

**REMARKS**

This is in response to the Final Office Action dated April 28, 2008. For at least the reasons stated below, Applicants submit that all claims are patentable in view of the prior art of record.

Claims 33, 59 and 64 have been amended to provide further clarification regarding the claimed human ability challenge, specifically that the human ability challenge reduces the possibility of automated computerized identification of the content performed by an automated computerized operation and increases the possibility of a human response. These amendments do not add any new matter beyond the specification as originally filed. Accordingly, Applicants request entrance and examination.

Claims 33-48, 51-52, 59, 63 and 64 stand rejected under 35 U.S.C. §102(b) as being anticipated by WO 93/11511 ("Davies"). This rejection is improper because Davies fails to identically disclose the claimed invention.

As Applicants previously noted, Davies describes a computerized security system that includes a visual user authentication technique using a variety of user-recognized images. At a login point, Davies requires the user to authenticate their login based on recognizing images. One embodiment includes presenting a user a variety of images that look alike and the user needs to recognize and select one or more images. In other words, Davies describes a system that compares a human action against another human action to determine security for individual access. The whole concept of Davies is to present distorted facial images in a manner that prevents someone from describing the image to another person. It is further noted that on page 3, lines 1-5 explicitly **excludes** computerized recognition operations as recognition alternatives to user-specific recognition.

Claims 33, 59 and 64 recite the presentation of a human ability challenge that challenges a human ability versus a computer operation. In support of the rejection, the Examiner cites to page 2, lines 24-28 and page 8 lines 1-12, where these passages describe the general nature of Davies, which is the inclusion of similar images so that the user's recognition of the image defines authentication. Applicants respectfully disagree because this is wholly inconsistent with distorted content for computerized identification.

As such, Davies does not identically disclose (or teach or suggest) the claimed human ability challenge “having distorted content that reduces the possibility of automated computerized identification” because Davies describes a security system that uses “presenting a human ability challenge having a response component, the human ability challenge having distorted content that reduces the possibility of automated computerized identification of the content performed by an automated computerized operation and increases the possibility of a human response.” More specifically, the distorted content reduces the possibility of “automated computerized identification” and “increases the possibility of a human response.”

In the Response to Arguments section, as understood, the Examiner asserts that the inclusion of multiple images (key image and false images) and the corresponding user entering a selection command discloses the claimed invention. Applicants respectfully disagree because the user entering a selection command in the Davies system is wholly inconsistent with the claimed “automated computerized identification,” as this is not automated and is not computerized identification as claimed. Although, in order to advance the present prosecution, Applicants herein amend the claim to further emphasize the distinctions that Davies is a human versus human comparison operation and the claimed invention is a human versus computerized comparison operation. For example, Davies does not and can not disclose a system that has an

automated computerized operation for image selection because as noted on page 3, lines 1-5, it **explicitly excludes** this type of system.

Therefore, for at least the reasons noted herein, claims 33, 59 and 64 are patentable.

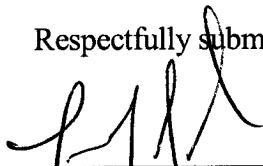
Claims 34-48, 51-52 and 63 depend from claims 33 and 59, respectively, and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above regarding claims 33 and 59. Accordingly, Applicants request withdrawal of the present rejection.

Claims 49-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davies in view of U.S. Patent No. 5,928,364 (“Yamamoto”). Claims 49-50 depend from claim 33 and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above regarding claim 33, especially in view of Yamamoto not being asserted to overcome the above-noted deficiencies of Davies. Accordingly, Applicants request withdrawal of the present rejection.

Claims 53-55, 57-58 and 60-62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Davies in view of U.S. Patent No. 6,209,104 (“Jalili”). Claims 53-55, 57-58 and 60-62 depend from claims 33 and 59, respectively, and recite further patentable subject matter therefrom. These claims are allowable for at least the same reasons stated above regarding claims 33 and 59, especially in view of Jalili not being asserted to overcome the above-noted deficiencies of Davies. Accordingly, Applicants request withdrawal of the present rejection.

For at least all of the above reasons, Applicants respectfully request that the Examiner withdraw all rejections, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the Examiner is invited to call the Applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,



Timothy J. Bechen

Reg. No. 48,126

DREIER LLP

499 Park Ave.

New York, New York 10022

Tel : (212) 328-6100

Fax: (212) 328-6101

Dated: July 28, 2008

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY THROUGH  
THE PATENT AND TRADEMARK OFFICE EFS  
FILING SYSTEM ON July 28, 2008.

*Customer No. 61834*